

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION OF:

**William J. Curatolo, et al.**

:

SERIAL NO.: **09/577,059**

: EXAMINER: **F. Choi**

FILED: **May 22, 2000**

: ART UNIT: **1616**

**FOR: Controlled-Release Dosage  
Forms of Azithromycin**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

This is in response to the Final Office Action mailed on February 6, 2007 in the above-identified application, the term for response having been extended three (3) months to August 6, 2007 by including the appropriate fee and petition herewith.

A copy of the claims in current form is appended at the end of Applicants' response starting on its own separate sheet.

REMARKS

As a preliminary matter, attention is directed to the Request for Continued Examination (RCE) included with Applicants' response.

Claims 96-124 have been canceled. Applicants reserve the right to file one or more divisional applications directed to this canceled subject matter.

Claim 135 has been amended to correct an obvious typographical error, so that the claim does not depend from itself.

Claims 72-76, 80-86, 93-95, 125-129, 133-139, and 146-148 are currently in the application. The claims were rejected under 35 USC 103(a), as explained in detail below. Claims 77-79, 87-92, 130-132, and 140-145 were previously withdrawn as being directed to a non-elected species.